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Commissioner's memo #94-018

To: Operations Directors
 District Directors
 District Environmental Health Managers
 Office of Environmental Health Services

From: Donald R. Stern, M.D., M.P.H.
 Acting State Health Commissioner

SUBJECT: Procedure for prioritizing applications for onsite
 sewage disposal system construction permits and
 certification letters under the Sewage Handling and
 Disposal Regulations

Onsite - Applications - Prioritizing

Background: The Department's permitting process was studied in 1993 by a legislative subcommittee with a goal to reduce or eliminate permit backlogs. Senate Bill 415 (S 415) contained the substantive recommendations of that subcommittee and was passed by the General Assembly (with minor modifications) and signed by Governor Allen. One of the central themes expressed in the new legislation is that the health department should only issue construction permits only where systems will actually be installed; all other applications should be handled through certification letters.

The following policy is intended to provide a framework to prioritize applications and to determine which applications will result in construction permits and which applications will result in certification letters. The intent of the certification letters is to eliminate time spent designing and drafting permits for systems which are never installed. The use of private soil evaluators by applicants is encouraged, and will result in faster processing times in most instances. When an application for a certification letter is accompanied by supporting documentation from a private evaluator, the application will be placed in a higher priority group.

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This procedure for prioritizing applications may be used at any time by a district or local health department, however, the procedure must be implemented if the time to process applications exceeds 10 working days.

The key element in this procedure is a determination of whether an applicant has concurrently applied for a building permit. The building permit application process varies widely across the Commonwealth and this policy does not establish any absolute requirements in this respect. If this procedure is needed to address significant problems with permit backlogs, it is anticipated that sufficient support will be present, or provided from external sources (Boards of Supervisors, etc.), to make the determinations necessary to differentiate building applications from speculative applications.

Application Types:

Under this procedure, all applications received under the Sewage Handling and Disposal Regulations will be divided into the following categories:

1. Applications for construction permits to repair failing onsite sewage systems.
2. Applications for construction permits where the applicant has concurrently applied for a building permit.
3. Applications for certification letters:
 - A. with supporting soil documentation, (generally from an authorized onsite soil evaluator);
 - B. without supporting soil documentation.

Applications to repair failing systems (category 1) and those received with a concurrent building permit application (category 2) will receive either a construction permit or a denial letter, depending on site and soil conditions. These applications will receive priority processing.

All other applications (categories 3A and 3B) will receive either a denial or a certification letter indicating whether the site is suitable for an onsite sewage system (and

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water supply). These applications will receive a lower priority for processing than those for construction permits. This is consistent with the wording and intent of S 415, and the subsequent revisions to the Code of Virginia.

Local health departments and health districts will be responsible for determining whether a building permit application has been filed and are encouraged to work closely with local building officials. Applicants for construction permits should pay the fee for a building permit application to the appropriate building official, although this is not an absolute requirement.

An application for a building permit should also include detailed building plans and a site plan.

Processing Priorities:

Repair applications (category 1) should receive immediate attention as they represent actual health hazards. Applications filed with building permit applications (category 2) will generally receive priority over category 3 applications. Each district may set proportions of scheduling time between the three categories to best fit its needs, **unless** Type 1 and 2 applications exceed 15 days to process. In that case, processing of applications for certification letters (categories 3A and 3B) should be reduced or eliminated as necessary to allow processing of Type 1 and 2 applications within 15 days.

CALCULATING BACKLOGS:

Only applications received to repair a system or those filed concurrently with a building permit application will be used to calculate backlogs. This is consistent with the revisions to the Code of Virginia under S 415, which in several places refer to backlogs of "...septic system or other onsite sewage system permit applications..."

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